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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,060	10/28/2003	Seungkoo Kang	5003073-033US1	5976

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EXAMINER

ASINOVSKY, OLGA

ART UNIT	PAPER NUMBER
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1711

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/695,060

Applicant(s)

KANG ET AL.

Examiner

Olga Asinovsky

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 7, 9, 10, 12, 20-21, 28, 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Pesce et al U.S. patent 6,844,430.

The rejection is set forth at pages 2-3 of the office action mailed on 09/02/2005, and it is incorporated here by reference.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-6, 8, 11, 13-19, 22-27 and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pesce et al U.S. patent 6,844,430 as applied to claims 1, 7, 9-10, 12, 20-21 and 28-29 above.

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The rejection is set forth at pages 3-4 of the office action mailed on 09/02/2005 and it is incorporated here by reference.

Response to Arguments

5. Applicant's arguments filed December 05, 2005 have been fully considered but they are not persuasive.

6. The applicant's argument is that Pesce is directed towards articles, column 2, lines 14-24. The present application claims a superabsorbent polymer and process for making the same comprising a polymeric resin and an aminopolysaccharide=aminopolysaccharide polymer, wherein the aminopolysaccharide polymer may be a chitosan. The argument is that there is no teaching or suggestion in Pesce to provide such a superabsorbent polymer.

The "article" in Resce invention is a disposable absorbent article made from a polymer composition. Pesce discloses the composition including a combination of cationic polysaccharides, preferably chitosan materials, with acidic pH buffering means, and absorbent gelling material, claim 1 at column 22. All ingredients in the amount specified in the present claims are readable in the composition in Resce invention. An absorbent property is readable in Resce invention, specifically column 18, lines 10-11. Also, an absorbent composite in the independent claim 21 and dependent claim 29 is readable in Resce invention, column 18, lines 10-12 and 23-30. Resce discloses that the combination of the ingredients is a benefit in an absorbent article coming into contact with bodily fluids, column 2, lines 29-32. The composition is effective to control bodily

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exudates and bodily fluid, column 2, lines 17-21. The “superabsorbent” properties are inherent to the composition made from the same ingredients.

Pesce does not disclose the specified characteristics for in the present claims 2-6, 8, 11, 13-19, 22-27 and 30-31 such as gel bed permeability, liquid capacity, absorbency under load (DUL).

A process for the continuous production of superabsorbent polymer composition in the present claims 30-31 is a mixing the polymeric resin composition with the aqueous solution containing aminopolysaccharide polymer (c), and (d) drying the superabsorbent polymer. Resce discloses the combination of the ingredients. Step of drying is inherent to the solid resulting article in Resce invention.

It would have been obvious to one of ordinary skill in the art to consider that specified characteristics such as gel bed permeability, liquid capacity, absorbency under load (DUL) in these present claims could be obtained in Pesce invention since these characteristics are depending on the cross-linking degree, neutralizing value and the presence of other absorbent natural fibers and modified synthetic fibers, and all of these statements are readable in Pesce invention.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olga Asinovsky whose telephone number is 571-272-1066. The examiner can normally be reached on 9:00 to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Olga Asinovsky

O.A.

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Examiner
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February 06, 2006

A handwritten signature in black ink, appearing to read 'J. Seidleck', with a stylized, cursive script.

James J. Seidleck
Supervisory Patent Examiner
Technology Center 1700